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July 20, 2000

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VIA COURIER

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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Re: MUR 5026: Zimmer 2000, Inc., and  
Maria H. Chappa, as Treasurer

Dear Mr. Noble:

This letter responds to the June 15, 2000 Federal Election Commission ("the Commission") letter notifying our client, Zimmer 2000, Inc., and Maria H. Chappa as Treasurer, of a complaint filed by the Democratic Congressional Campaign Committee ("DCCC") in the above referenced Matter Under Review ("MUR"). The complaint has no legal basis and appears to be nothing more than a political effort to create a general election controversy. After all, complainant DCCC filed this action as the result of the Republican primary. None of the facts alleged involve its candidates.

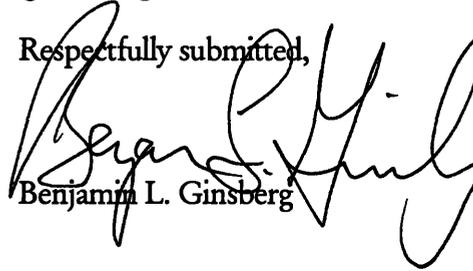
The complaint should be dismissed as a matter of law. The complaint does not allege nor does it offer any evidence that the advertisements at issue contained express advocacy. On this basis alone, the Commission should dismiss the complaint and take no further action. Moreover, the coordination allegations contained in the complaint do not rise to the level held by the district court in *FEC v. Christian Coalition*, 52 F. Supp. 2d 45 (D.D.C. 1999) necessary to convert issue advocacy advertisements into campaign contributions or excessive contributions. The complaint does not make any allegations or present any evidence that the campaign and Citizens for Tax Reform engaged in any negotiations or had substantial contacts concerning the advertisements at issue. In fact, John Sheridan, the spokesman for Citizens for Tax Reform, is quoted in the articles attached to the complaint as specifically denying any connection to the Zimmer campaign.

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Accordingly, the Commission should dismiss the complaint and take no further action. This complaint is nothing more than an effort by the opposition party to score political points by using the enforcement process as a vehicle for generating headlines.

Respectfully submitted,



Benjamin L. Ginsberg

Enclosure: Statement of Designation of Counsel

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